IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 13866 of 1996

Between:

G.V.Naidu, sonof G.A.Naidu, Hindu,

Aged about 34 yrs, Constable,C.I.S.F.

Visakhapatnam Steel Plant, Visakhapatnam-31

..... PETITIONER

AND

1.The Deputy Inspector General (SZ),CISF.,

S.Z.RajajiBhavan, 'D' block, Basantanagar,

Madras

2.Commandant,Central Industrial Security

Force, Visakhapatnam Steel Plant,Visakhapatnam.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ , order or direction particularly a writ in the nature of Mandamus declaring the confidential standing order issued by the 1st respondent in

Proceedings No.V-11014/66/95/A6/SZ, dated 19-4-1996 as not a statutory order issued under Article 309 of the Constitution of India or the Conduct Rules governing of Post of Constable in CISF, therefore, illegal and consequentially set aside the punishment of removal from the service through the impugned orders as arbitrary, capricious, excessive, against the principles of natural justice and therefore, illegal and void abinitio and thus violated the Fundamental rights guaranteed to the petitioner under Articles 14,16 and 21 and also Article 311 of the Constitution of India.

Counsel for the Petitioner :MR.K.VINAYA KUMAR

Counsel for the Respondents: MRS.A.CHAYA DEVI (ADD.CGSC)

The Court made the following :

ORDER

The petitioner herein who has been working as Constable with the Central Industrial Security Force files this Writ Petition *inter alia* seeking to assail the impugned orders of removal from service dated 19-4-1996.

The case of the petitioners is that the impugned action in its entirety is only against the settled principles of law and also the punishment imposed does not commensurate to the gravity of the offence or allegations levelled against him. Briefly stated since the petitioner was found in possession of Rs.95/- which is deliberate violation of the standing orders, initially an enquiry was conducted and he was found guilty of the charge and the authority has declared a reduction of pay by two stages from Rs.960/- to Rs.920/- for a period of one year with cumulative effect. However on further appeal, the appellate authority having found that in view of the seriousness of the allegations in the charge, the said punishment is not sufficient and therefore, a show cause notice was issued to the petitioner on 16-2-1993 to which he has submitted a representation dated 19-3-1996. On a re-consideration thereof, the 1st respondent herein has found that the possession of money to such an extent is a clear violation of the standing orders and therefore, the proposed punishment of removal under show cause notice was confirmed.

Though several contentions are sought to be urged on behalf of the petitioner, however, the fact remains that the authorities have consistently found that the petitioner was found in possession of such money which is wholly unauthorized and he being a member of Force, there is absolutely no justification for such

possession apart from the fact that the same is violative of the standing orders. In view of such finding of fact arrived at by the authorities and even the 1st respondent having given a notice and opportunity to the petitioner under the impugned punishment varying with the earlier punishment of reduction in the salary, I do not find any justification to go into the same in exercise of power under Article 227 of the Constitution of India. Even in this Writ Petition though the higher authority could not have held that the punishment for conducting enquiry also does not hold water more so, the finding of fact arrived at by the authorities, there cannot be any serious dispute about possession of money of Rs.95/- by the petitioner and the same was not explained.

In the circumstances, I do not find any merit in this Writ Petition and accordingly, the Writ Petition is dismissed. No costs.

13-12-2004.

Hsd

To

1.The Deputy Inspector General (SZ),CISF.,

S.Z.RajajiBhavan, 'D' block, Basantanagar,

Madras

2.Commandant,Central Industrial Security

Force, Visakhapatnam Steel Plant,Visakhapatnam.

3. 2 C.Cs to G.P. for Industries and Commerce, High Court of A.P.
High Court Buildings, Hyderabad (OUT)

4. 2 CD copies.